

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

United States Courts  
Southern District of Texas  
FILED

APR 11 2011

David J. Bradley, Clerk of Court

LARRY ADAMS, )  
Plaintiff, Pro se, )

C.A. No. \_\_\_\_\_

✓  
NUECES COUNTY )  
SHERIFF DEPUTIES - )

Mark Turkey, Maulina )  
Rake and Five Un - )

known Officers, in their ) "Jury"  
individual capacities, )  
Defendants

COMPLAINT

MAY IT PLEASE THE COURT:

1. This is a civil rights action filed by Larry Adams, a state prisoner alleging excessive force and deliberate indifference seeking damages under 42 U.S.C. § 1983, violations of the Due Process Clause under the Fourteenth Amendment and the Eighth Amendment to the United States Constitution. The Plaintiff also alleges the torts of assault and battery and negligence under Texas law.

Jurisdiction

2. The Court has jurisdiction over the Plaintiff's claims of violation of federal Constitutional rights under 28 U.S.C. §§ 1331(a) and 1343.

3. The Court has supplemental jurisdiction of the Plaintiff's state law tort claims under 28 U.S.C. § 1367.

Parties

3. The Plaintiff, Larry Adams, was incarcerated at Nueces County Sheriff's Department during the events described herein.

4. Defendants Mark Turkey, Maulina, Rake, and Five Unknown Officers were Sheriff's Deputies at Nueces County Jail during the events described herein. They are Sued "in their individual capacities."

5. Defendants have acted under the color of state law at all times relevant to the Complaint.

### FACTS

7. On or about May 28, 2009, at 10:30 P.M., Officer Maulina entered cellblock 4P, directing the Pod to rack up. Plaintiff's hair was half cut, so he requested Maulina to allow the barber to finish due to a Court date.

8. Maulina Screamed "No!" Plaintiff requested a ranking officer.

9. Maulina called use of force members ("JET TEAM"). Officers Mark Turkey and Rake entered and screamed "Get on the floor!!" Plaintiff Complied.

10. Officers Maulina and Rake jumped on the Plaintiff's neck and back with their knees and handcuffed the Plaintiff's hands behind him.

11. Officers Turkey and Five Unknown Officers suspended the Plaintiff by his wrists and slammed his face and chest into a steel door and wall.

12. Officer Maulina and Five Unknown Officers ratcheted Plaintiff's handcuffed wrists up thrusting his face into the elevator wall, holding him suspended.

13. Mark Turkey and other Jet Team Members repeatedly hit the Plaintiff in the back of his head.

14. As a result of the assault and failure to protect, the Plaintiff suffered knots on his head, contusions, black eyes, broken ribs, mass on his chest, and enlarged heart.

15. At no time during these events did the Plaintiff threaten staff or other inmates.

### CLAIMS FOR RELIEF

16. The actions and omissions of Officers Mark Turkey, Maulina, Rake, and Five Unknown Officers in using physical force against the Plaintiff without need or provocation were done maliciously or sadistically and constituted cruel and unusual punishment in violation of the Fourteenth Amendment to the United States Constitution.

17. Five Unknown Officers failure to protect or intervene to prevent the misuse of force constitutes deliberate indifference in violation of the Eighth Amendment to the United States Constitution.

18. The acts and omissions of Mark Turkey, Maulina, Rake, and Five Unknown Officers failure to intervene and/or participating amounts to negligence and assault and battery under Texas law. WHEREFORE, Plaintiff requests the Court to grant the following relief.

A. Issue a declaratory judgement stating:

1. The physical abuse of the plaintiff by defendants Turkey, Rake, Maulina, and Five Unknown Officers violated plaintiff's Fourteenth and Eighth Amendment to the United States Constitution and constituted an assault and battery and negligence

under Texas law.

2. The failure to intervene by Five Unknown Officers violated the Plaintiff's Eighth Amendment to the United States Constitution.

A. Award Compensatory damages.

B. Award Punitive damages.

C. Grant such other relief as it may appear that the Plaintiff is entitled.

Pursuant to 28 U.S.C. § 1746, under Penalty of Perjury Plaintiff swears that the above and foregoing matters are based upon personal knowledge, that he is competent to attest to the matters and that the above is true and correct.

Executed: April - 5<sup>th</sup>, 2011.

Larry Adams

Larry Adams

# 1582430

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Iowa Park, TX.

76367.